



BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

(A-570-864)

Pure Magnesium in Granular Form from the People's Republic of China: Continuation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: As a result of determinations by the Department of Commerce (the “Department”) and the International Trade Commission (the “ITC”) that revocation of the antidumping duty (“AD”) order on pure magnesium in granular form from the People's Republic of China (“PRC”) would likely lead to a continuation or recurrence of dumping, or to a continuation or recurrence of material injury within a reasonably foreseeable time to an industry in the United States, the Department is publishing this notice of continuation of the AD order.

EFFECTIVE DATE: (Insert date of publication in the *Federal Register*.)

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Eugene Degnan, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4243 and (202) 482-0414, respectively.

SUPPLEMENTARY INFORMATION: On February 1, 2012, the Department initiated the second sunset review of the AD order on pure magnesium in granular form from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”).¹

The Department conducted an expedited sunset review of the order. As a result of its review, the Department determined that revocation of the AD order on pure magnesium in

¹ See *Initiation of Five-Year (“Sunset”) Review*, 77 FR 4995 (February 1, 2012)(“*Initiation Notice*”).

granular form from the PRC would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the order to be revoked.²

On October 1, 2012, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD order on pure magnesium in granular form from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³

Scope of the Order

There is an existing AD order on pure magnesium from the PRC.⁴ The scope of this order excludes pure magnesium that is already covered by the existing order on pure magnesium in ingot form, and currently classifiable under item numbers 8104.11.00 and 8104.19.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”).

The scope of this order includes imports of pure magnesium products, regardless of chemistry, including, without limitation, raspings, granules, turnings, chips, powder, and briquettes, except as noted above.

Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as “ultra pure” magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent primary magnesium, by weight (generally referred to as “pure” magnesium); (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8

² See *Pure Magnesium in Granular Form from the People’s Republic of China: Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 77 FR 33165 (June 5, 2012).

³ See *Pure Magnesium (Granular) from China* (Inv. No. 731-TA-895 (Second Review)), 77 FR 59979 (October 1, 2012).

⁴ See *Notice of Antidumping Duty Orders: Pure Magnesium From the People’s Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium From the Russian Federation*, 60 FR 25691 (May 12, 1995).

percent, by weight, that do not conform to an “ASTM Specification for Magnesium Alloy”⁵ (generally referred to as “off specification pure” magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight. Excluded from this order are mixtures containing 90 percent or less pure magnesium by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures. The non-magnesium granular materials of which the Department is aware used to make such excluded reagents are: lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, aluminum, alumina (Al₂O₃), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomitic lime, and colemanite. A party importing a magnesium-based reagent which includes one or more materials not on this list is required to seek a scope clarification from the Department before such a mixture may be imported free of antidumping duties.

The merchandise subject to this order is currently classifiable under item 8104.30.00 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.⁶

⁵ The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

⁶ The Department has issued four scope rulings with respect to pure magnesium in granular form. *See Notice of Scope Rulings and Anticircumvention Inquiries*, 68 FR 7772, 7774 (February 18, 2003); Memorandum to the File “Pure Magnesium in Granular Form from the People’s Republic of China: Final Scope Ruling: ESM Group Inc.,” dated September 18, 2006; Memorandum to Christian Marsh, “Pure Magnesium in Granular Form from the People’s Republic of China: Final Scope Ruling on Granular Magnesium Ground in Mexico,” dated October 27, 2011; Memorandum to Christian Marsh, “Pure Magnesium in Granular Form from the People’s Republic of China: Final Scope Ruling for ESM Group Inc. (Atomized Magnesium),” dated October 28, 2011.

Continuation of the Order

As a result of these determinations by the Department and the ITC that revocation of the AD order on pure magnesium in granular form would likely lead to a continuation or recurrence of dumping, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD order on pure magnesium in granular form from the PRC.

U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the *Federal Register* of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Paul Piquado
Assistant Secretary
for Import Administration

October 4, 2012
Date

[FR Doc. 2012-25456 Filed 10/16/2012 at 8:45 am; Publication Date: 10/17/2012]